IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH.

R.A. No. 104 of 2000 in

C.W.P. No. 3495 of 1998

Date of Decision: September 12, 2006

Rajbir Singh

…..Petitioners

Vs.

Haryana State Federation of Corporative Sugar Mills Ltd. and others

…..Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR.

HON'BLE MR. JUSTICE M.M.S. BEDI.

Present:- Mr. P.C. Goyal, Advocate
for the applicant-petitioner.

Mr. Vinod S. Bhardwaj, Advocate
for the non-applicant/ respondent No.2.

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**M.M. KUMAR. J.** (ORAL)

This is an application seeking review of the order dated December 2, 1998, on the ground that the counsel who had appeared for the petitioner, did not have any power of attorney in his favour.

Notice of the application was issued to Mr. Ajay Chaudhary, who was the counsel for the petitioner and Mr. Manoj Chahal, who had appeared on December 2, 1998. However, none of them has chosen to put

in appearance. Respondent No.2 is represented by Mr. Vinod S. Bhardwaj, Advocate. Even if we decide the application in favour of the applicant by restoring the writ petition to its original number and set aside the order dated December 2, 1998, it would not be possible for the petitioner to over-come various hurdles in his way. The first preliminary objection raised by respondent No.2 is that it is not amenable to writ jurisdiction of this Court as it is neither controlled administratively or financially by the State, and therefore, within the meaning of Article 12, it is neither an instrumentality nor an agency of the State. In that event, no writ petition would be maintainable. Still further, the applicant has prayed for regularization of his services in the main petition. Such a relief, in any case, cannot be granted to him in view of the judgment of the Hon'ble Supreme Court in **Secretary, State of Karnataka v. Uma Devi and others**, (2006) 4 SCC 1.

Therefore, by setting aside the order dated December 2, 1998, we hold that the writ petition is not maintainable against respondent No.2 and accordingly, the same is dismissed.

(M.M.KUMAR)
JUDGE

September 12, 2006
sanjay

(M.M.S.BEDI)
JUDGE